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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,064	06/15/2001	Adrian C.H. Scott	APPLP001	1705

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EXAMINER

PATEL, HARESH N

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,064

Applicant(s)

SCOTT ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) 9-36, 45-72 and 81-87 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 37-44 and 73-80 is/are rejected.
- 7) ☒ Claim(s) 3, 8, 37, 39, 44, 75 and 80 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/21/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-87 are presented for examination.

Election/Restrictions

2. Applicant's election with traverse of invention Group I (i.e., claims 1-8, 37-44, 73-80) in the reply filed on 2/4/2005 is acknowledged. Claims 9-36, 45-72 and 81-87 of the non-elected inventions are withdrawn from consideration. Applicant is requested to cancel claims 9-36, 45-72 and 81-87 of the non-elected inventions.

Priority

3. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The present title is not sufficient for proper classification of the claimed subject matter.

The following title is suggested: "Hashing algorithm used for multiple files having identical content and fingerprint ID in a peer-to-peer network".

Information Disclosure Statement

5. An initialed and dated copy of Applicant's IDS form 1449, Paper dated 03/21/2005, is attached to the instant Office action.

Claim Objections

6. Claims 3, 8, 37, 39, 44, 75 and 80 are objected to because of the following informalities:

Claims 3, 39, 75, mentions, "Secure Hash Algorithm (SHA1)", which is incorrect. It should be Secure Hash Algorithm (SHA)".

Claims 8, 44, 80, mentions, "has a has second associated filename", which is incorrect. It should contain single "has".

Claim 37 is missing ";" after CPU and memory.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claims 1, 37 and 73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 37 and 73 recite the limitations, "the other peer devices", "the content of the first information file". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 2, 4-8, 37, 38, 40-44, 73, 74, 76-80 are rejected under 35 U.S.C. 102(e) as being anticipated by Farber et al., 6,415,280 (Hereinafter Farber).

10. As per claim 1, Farber clearly discloses a method (e.g., col., 3, lines 26 – 44) for accessing information in a peer-to-peer network (e.g., col., 5, lines 13 – 24), the peer-to-peer network including a plurality of peer devices (e.g., col., 5, lines 26 – 34) and a database system (e.g., col., 5, lines 26 – 34) accessible by at least a portion of the peer devices (e.g., col., 5, lines 26 – 34), each of the peer devices (e.g., col., 5, lines 26 – 34) being configured to store information files (e.g., col., 8, lines 41 – 57), and further being configured to share content (e.g., col., 8, lines 3 – 23) from selected information files (e.g., col., 8, lines 41 – 57) with at least a portion of the other peer devices (e.g., col., 5, lines 26 – 34) in the network (e.g., col., 5, lines 13 – 24), the method comprising:

selecting a first information file (e.g., col., 6, lines 46 – 65);

generating (e.g., col., 6, lines 28 – 46), using fingerprinting algorithm (e.g., col., 12, lines 45 – 67), a first fingerprint ID (e.g., col., 9, lines 35 – 64) relating to the content of the first information file (e.g., col., 8, lines 41 – 58); and

identifying the first information file using the first fingerprint ID (e.g., col., 6, lines 6 – 12, col., 8, lines 30 – 39).

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11. As per claim 37, Farber discloses the claimed limitations as rejected above. Farber also discloses a system (e.g., col., 7, line 65 – col., 8, lines 14) for accessing information in a peer-to-peer network (e.g., col., 5, lines 13 – 24), and the system comprising at least one CPU (e.g., col., 5, lines 26 – 34), memory (e.g., col., 5, lines 26 – 34), at least one interface (e.g., col., 5, lines 26 – 34) for communicating with other devices (e.g., col., 5, lines 26 – 34, col., 7, line 65 – col., 8, lines 14).

12. As per claim 73, Farber discloses the claimed limitations as rejected above. Farber also discloses a computer program product (e.g., col., 7, line 65 – col., 8, lines 14) for accessing information in a peer-to-peer network (e.g., col., 5, lines 13 – 24), and a computer usable medium having computer readable code embodied therein (e.g., col., 5, lines 26 – 34, col., 7, line 65 – col., 8, lines 14).

13. As per claims 2, 38, 74, Farber discloses the claimed limitations as rejected above. Farber also discloses the fingerprinting algorithm corresponds to an MD5 Message-Digest algorithm (e.g., col., 12, lines 60 – 65).

14. As per claims 4, 40, 76, Farber discloses the claimed limitations as rejected above. Farber also discloses the first information file (e.g., col., 6, lines 46 – 65) is stored at a first peer device (e.g., col., 7, line 65 – col., 8, lines 14), and wherein the first information file (e.g., col., 6, lines 46 – 65) has an associated first filename (e.g., col., 8, lines 24 – 39, col., 12, lines 19 – 36), the

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method comprising: storing the first filename (e.g., col., 12, lines 19 – 36) and first fingerprint ID at the first peer device (e.g., col., 6, lines 6 – 12, col., 8, lines 30 – 39, col., 17, lines 18 - 56).

15. As per claims 5, 41, 77, Farber discloses the claimed limitations as rejected above. Farber also discloses transmitting (e.g., col., 23, lines 16 – 41) the first filename and the first fingerprint ID to the database system for storage therein (e.g., col., 7, line 62 – col., 8, line 17).

16. As per claims 6, 42, 78, Farber discloses the claimed limitations as rejected above. Farber also discloses the database system corresponds to a remote database system (e.g., col., 7, line 62 – col., 8, line 17).

17. As per claims 7, 43, 79, Farber discloses the claimed limitations as rejected above. Farber also discloses selecting a second information file (e.g., col., 12, lines 19 – 36) having content identical (e.g., col., 3, lines 12 – 19) to the first information file (e.g., col., 12, lines 19 – 36); applying the fingerprinting algorithm (e.g., col., 12, lines 60 – 65) to the content of the second information file (e.g., col., 12, lines 19 – 36) to thereby generate an identical (e.g., col., 35, lines 52 – 64) first fingerprint ID (e.g., col., 6, lines 6 – 12, col., 8, lines 30 – 39, col., 17, lines 18 - 56) to that of the first information file (e.g., col., 8, lines 24 – 39, col., 12, lines 19 - 36); and identifying both the first and the second information file (e.g., col., 8, lines 24 – 39, col., 12, lines 19 - 36) using the first unique fingerprint ID (e.g., col., 35, lines 52 – 64).

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18. As per claims 8, 44, 80, Farber discloses the claimed limitations as rejected above. Farber also discloses wherein the first information file (e.g., col., 8., lines 24 – 39, col., 12, lines 19 - 36) is stored at a first peer device (e.g., col., 7, line 62 – col., 8, line 17), and has a first associated filename (e.g., col., 12, lines 19 – 36), and wherein the second information file (e.g., col., 35, lines 43 – 64) is stored at a second peer device (e.g., col., 36, lines 1 – 14), and has a has second associated filename (e.g., col., 8., lines 24 – 39, col., 12, lines 19 - 36), the method further comprising:

storing the first associated filename (e.g., col., 12, lines 19 – 36) and first fingerprint ID (e.g., col., 6, lines 6 – 12, col., 8, lines 30 – 39, col., 17, lines 18 - 56) associated with the first information file (e.g., col., 8., lines 24 – 39, col., 12, lines 19 - 36) in the database system (e.g., col., 7, line 62 – col., 8, line 17) and storing the second associated filename (e.g., col., 12, lines 19 – 36) and first fingerprint ID (e.g., col., 6, lines 6 – 12, col., 8, lines 30 – 39, col., 17, lines 18 - 56) associated with the second information file (e.g., col., 12, lines 19 – 36) in the database system (e.g., col., 7, line 62 – col., 8, line 17).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 3, 39, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farber in view of “Official Notice”.

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21. As per claims 3, 39, 75, Farber discloses the claimed limitations rejected under claims 1, 37 and 73. Faber also discloses the SHA fingerprinting algorithm (e.g., col., 12, lines 60 – 65). However, Farber does not specifically mention that SHA stands for Secure Hash Algorithm.

“Official Notice” is taken that both the concept and advantages of providing Secure Hash Algorithm is well known and expected in the art. For example, Juopperi, 6,225,888, col., 4, lines 30 – 35, discloses that SHA stands for Secure Hash Algorithm.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Secure Hash Algorithm with the teachings of Farber in order to facilitate usage of Secure Hash Algorithm because the algorithm would help hashing the information. The secure hashing would enhance reliability of the system.

Conclusion

22. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant’s disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

May 29, 2005


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